

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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|-------------------------|---|--------------------------------|
| JAMES A. STOVER, |) | CASE NO. 5:10CV1881 |
| |) | |
| Petitioner, |) | JUDGE PETER C. ECONOMUS |
| |) | |
| v. |) | |
| |) | |
| T.R. SNIEZEK, |) | ORDER |
| |) | |
| Respondent. |) | |
| |) | |

The instant matter is before the Court upon Petitioner James A. Stover's Petition for a Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2241. (Dkt. # 1).¹

To the extent that Petitioner asks the Court to award him "jail credits," the Motion is **DENIED in PART**, as such matters are more properly left to the Federal Bureau of Prisons.

Respondent argues that this Court intended that his federal sentence would run concurrently with his related state sentence. This assertion is incorrect. Because Petitioner had not been sentenced on his pending state charges at the time this Court imposed sentence, the Court expressed no intention with respect to any potential state sentence. When the state court imposed its sentence, however, it ordered that the state sentence was to run concurrently with the federal sentence imposed by this Court. This

¹ The instant matter was transferred to this Court from the United States District Court for the Middle District of Pennsylvania on August 25, 2010. (Dkt. # 10).

did not occur. Instead, Petitioner served his two-year state sentence first, and was then transferred to the custody of the Bureau of Prisons to begin service of his federal sentence consecutively to his state sentence.

Though this Court expressed no intention to run Petitioner's federal sentence either consecutively or concurrently with his subsequently imposed state sentence, it was this Court's intention that Petitioner would begin service of his federal sentence on the date of imposition. Therefore, Petitioner's Petition for a Writ of Habeas Corpus is hereby **GRANTED in PART**. The Court orders that the Judgment and Commitment Order of Petitioner James A. Stover in Case No. 5:07CR69 shall be amended to indicate that the federal sentence shall commence on the date of imposition. (Case No. 5:07CR69, Dkt. # 46). Accordingly, the federal sentence began to run on October 15, 2007.

The Bureau of Prisons shall recalculate Petitioner's proper release date based upon this Order.

Accordingly, Petitioner's Petition for a Writ of Habeas Corpus is hereby **GRANTED in PART** and **DENIED in PART**, consistent with the foregoing. (Dkt. # 1).

IT IS SO ORDERED.

/s/ Peter C. Economus – November 22, 2010
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE